

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

United States District Court  
Southern District of Texas  
FILED

for the

Southern District of Texas

SEP -7 2017

David J. Bradley, Clerk

United States of America )

v. )

GONZALES, Joshua USC )  
YOB: 1992 )Case No. *M-17-1598-M*\_\_\_\_\_  
*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date(s) of 09-06-2017 in the county of Starr in the  
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 21 USC 846, 841(a)(1)

Knowingly and Intentionally Possess, with Intent to Distribute a Controlled  
Substance to wit: 419 kilograms of MarijuanaKnowingly and Intentionally Conspire to Possess, with Intent to Distribute a  
Controlled Substance to wit: 419 kilograms of Marijuana

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.*OK to file. TST*  
Complainant's signature

DEA Task Force Officer David Ponce

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/07/2017*8:48 am*  
Judge's signatureCity and state: McAllen, Texas

U.S. Magistrate Judge Peter E. Ormsby

Printed name and title

**ATTACHMENT "A"**

On September 6, 2017, Border Patrol Agents were working linewatch operations near Rio Grande City, Texas. At approximately 4:50 pm, Agents observed a dark colored Sport Utility Vehicle (SUV) drive south towards the Rio Grande River in an area known as El Chapparal neighborhood near Rio Grande City, Texas.

The El Chapparal neighborhood, which located on the east side of Rio Grande City, Texas, is known for narcotic smuggling and narcotic seizures. An Agent situated himself in a strategic position where he was able to monitor the Rio Grande River and any possible narcotic activity.

The Agent observed a suspected vehicle travel south until it stopped on the river road, where several subjects emerged from the brush and began to load what appeared to be narcotics into the vehicle. The Agent immediately informed nearby Agents via Service Radio that a SUV appeared to be loading up narcotics in the El Chapparal area. Agents responded as the vehicle departed the river and was headed north towards the El Chapparal neighborhood.

Agents observed the black Ford Expedition covered in mud on a paved road turn and travel south back towards the river, where it had loaded up. As Agents drove up to the vehicle with emergency equipment on, it turned back north of San Agustin St. into a vacant lot. The driver of the vehicle who was later identified as United States Citizen Joshua Gonzales 11-01-1992 drove to the corner of the vacant lot where he exited the vehicle in an attempt to abscond. As the driver exited the vehicle he dropped a black radio before running away. GONZALES was about two yards away from Agents vehicles when he stopped for the radio. Agents saw his face clearly, and what he was wearing (black shirt/black pants).

Agents secured the vehicle while additional Agents gave chase to the driver. While chasing GONZALES, Agents utilized a service canine and were able to get north of the subject as the subject surrendered and laid on the ground. GONZALES was then taken into custody.

The USBP K-9 alerted to the Expedition and indicated to an odor the canine is trained to detect. Agents checked the SUV and secured 80 bundles (419 Kilograms) of suspected marijuana from inside the SUV which was later field tested and found to test positive for marijuana.

GONZALES was transported to the USBP Station in Rio Grande City. DEA Agents attempted to secure a post arrest statement from GONZALES. GONZALES exercised his right to remain silent and refused to provide Agents a statement. The case was accepted for federal prosecution by the United States Attorney's Office.